

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Dwight Lamar Spears, # 12210-171,)	C/A No. 0:08-2255-PMD-BM
)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Director Larry W. Powers, Spartanburg County Detention)	
Center,)	
)	
)	
Defendant.)	

This is a civil action filed by a federal prisoner confined at a local detention center. The above-captioned case is a “spinoff case,” so to speak from what was originally a two-plaintiff civil rights action, *Andres Torriente and Dwight Spears v. Larry W. Powers*, Civil Action No. 0:08-2178-PMD-BM. In an order (Entry No. 7 in Civil Action No. 0:08-2178-PMD-BM) filed in *Andres Torriente and Dwight Spears v. Larry W. Powers*, Civil Action No. 0:08-2178-PMD-BM, on June 17, 2008, the undersigned directed the Clerk of Court to terminate Dwight Spears as a plaintiff and to assign a separate civil action number to Dwight Spears. The above-captioned case is the resulting civil action to address the claims raised by Dwight Spears.

This matter is before the court because of the plaintiff’s failure to comply with the magistrate judge’s order (Entry No. 6) of June 23, 2008. A review of the record indicates that the magistrate judge ordered the plaintiff to submit items needed to render this case into “proper form” within twenty (20) days, and that if he failed to do so, this case would be dismissed *without prejudice*. Specifically, the magistrate judge directed the plaintiff to submit a motion to proceed *in forma pauperis* (Form AO 240) and answer a Special Interrogatory. The plaintiff has failed to respond to the magistrate judge’s order.

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.*

IT IS SO ORDERED.


PATRICK MICHAEL DUFFY
United States District Judge

July 30, 2008
Charleston, South Carolina

*Under the General Order (Misc. No. 3:07-MC-5014-JFA) filed on September 18, 2007, this dismissal *without prejudice* does *not* count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If the plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk’s Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).